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ON PETITION

In re Application of
Steve Horvath et al.
Application No. 10/033,299
Filed: October 25, 2001
Attorney Docket No. 702.286

This is a decision on the petition filed October 19, 2007, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned June 14, 2007 for failure to file a timely response to the non-Final Office Action mailed March 13, 2007. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner argues that the non-Final Office Action mailed March 13, 2007 was mailed to the prior attorneys of record even though a revocation and power of attorney was filed September 22, 2003. Petitioners provide a copy of the revocation and power of attorney as well as a postcard receipt date stamped by the USPTO on September 22, 2003, as proof of filing prior to the date the non-Final Office Action was mailed and prior to the abandonment.

A review of the file confirms that a power of attorney, statement under 37 CFR 3.73(b) and address change were indeed filed on September 22, 2003 but that the USPTO records were not updated. The non-Final Office Action therefore mailed to the wrong address and as petitioners claim, not received. In view of the above, no petition fees are due and none have been charged.

The Notice of Abandonment is withdrawn and this matter is being referred back to Technology Center 2612 for appropriate action on the amendment filed October 19, 2007.

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions